

UNITED STATES DISTRICT COURT  
DISTRICT OF IDAHO

IN THE MATTER OF AMENDING )  
BANKRUPTCY COURT LOCAL )  
RULES 1002.1; 1007.1; 2002.2; )  
2002.3; AND 2002.5 )

GENERAL ORDER NO. # 127

The U.S. Bankruptcy Court for the District of Idaho has previously informed the Bar and Public of its intention to send certain bankruptcy notices through the National Bankruptcy Notice Center in Reston, Virginia, and

The Court is exercising this national option to reduce the cost of printing and postage, and,

NOW THEREFORE, effective Immediately, Notices of Section 341(a) Meeting of Creditors; Discharges; and Trustee's Sales will be mailed by The Bankruptcy Noticing Center (BNC) in Reston, Virginia. The following changes will be made which will affect debtor's attorney and debtor if pro se:

- At the initial filing of a chapter 13 case, debtor will no longer be required to provide a copy of the plan for every creditor. Instead, an original plus four (4) copies will be required. The BNC will electronically scan the plan. For this reason, the plan **cannot** be a two-sided copy. If the plan is filed after the petition is filed, the debtor's attorney (or debtor if pro se) will still be responsible for mailing a copy of the plan with a Notice of Confirmation Hearing to all creditors.

- All returned mail will be sent to the debtor's attorney (or debtor if pro se). It will be the responsibility of the attorney (or debtor if pro se) to provide the court with a current address of those creditors whose mail was undeliverable. It will also be the responsibility of the debtor's attorney (or debtor if pro se) to send a §341(a) Notice to those creditors whose mail was not delivered and to provide proof to the court that notice was sent.

THE FOLLOWING LOCAL BANKRUPTCY RULES ARE AMENDED, EFFECTIVE IMMEDIATELY, AS FOLLOWS:

**LBR 1002.1 (b)(1) Number of Plans.** In reorganization cases, in addition to the original (or any amended plan), the following number of copies are required for filing *by* with the clerk.

Chapter 9.....3 copies  
Chapter 11.....1 copy  
Chapter 12.....2 copies  
Chapter 13.....1 copy 4 copies

~~**LBR 1002.1 (b)(2)** In addition to the original plan and the required copies as set forth above for filing with the clerk, in cases where the plan is filed with the petition, the debtor shall provide sufficient copies of the plan for mailing purposes. This shall be in an amount equal to the number of names listed on the Master~~

~~Mailing List, together with the number of copies listed below:~~

~~Chapter 13.....8 copies~~

**LBR 1002.1(b)(3) (2)** If the plan is not filed with the petition, the debtor shall be responsible for service, as required by LBR 2002.3. However, the original and number of copies set forth in subdivision (b)(1) of this rule shall still be filed.

NOTE: Advisory Committee Notes:  
~~Subdivision (b)(2) of this rule reflects the clerk's service of plans together with Section 341(a) notices, in chapter 13 cases when the plan is filed with the petition. In other cases LBR 2002.3 and 2002.4 governs service, though the filing and copy requirements of (b)(1) still apply.~~

**LBR 1007.1 ( c ) MASTER MAILING LIST. Accuracy of Master Mailing List. (MML)** The clerk *and/or The Bankruptcy Noticing Center (BNC)* need not check to insure that the MML accurately reflects the names and addresses of creditors, equity security holders, and/or parties in interest listed on the debtor's schedules. For purposes of notice by the clerk; *the BNC or by any party in interest*; an error or omission on the MML shall be deemed an error or omission on the debtor's schedules, unless such creditor or party in interest should have been added as a result of a filed proof of claim or a written request to the court. The clerk's office *or The Bankruptcy Noticing Center* will forward returned mail to the debtor's attorney *(or the debtor if pro se)*. *It will be the responsibility of the attorney (or debtor if pro se) to provide the court with a current address of those creditors whose mail was undeliverable. It will also be the responsibility of the debtor's attorney or (debtor if pro se), to send a §341(a) Notice to those creditors whose mail was not delivered and to provide proof to the court that notice was sent.*

**LBR 2002.2(b)(2) (B)(iii)** Notices sent by the clerk *Bankruptcy Noticing Center (BNC)* pursuant to 11 U.S.C. Section 341(a) which are determined undeliverable by the U.S. Postal Service will be noted on the court's database in the creditor log and no future notices will be sent to that address. Undeliverable notices will be forwarded to the debtor's attorney *(or debtor if pro se)*. Any notice other than a Section 341(a) notice which is returned to the court shall be destroyed without notation or record by the clerk.

**LBR 2002.3(a)(1) MAILING OF PLANS. Chapter 13 Cases.** Plans filed with the petition in chapter 13 cases will be mailed by ~~the clerk~~ *The Bankruptcy Noticing Center (BNC)* with the §341(a) notice to creditors. ~~Sufficient copies~~ *An original plan plus four (4) copies, must be submitted with text only on one side so that this information can be scanned electronically.* ~~must be provided by the debtor in compliance with LBR 1002.1(b)(2).~~ In such cases, and provided all other schedules and statements are also filed with the petition, the accelerated confirmation process of LBR 2002.5 shall apply.

**LBR 2002.3(a)(2)** In all cases where the plan and required copies are not filed with the petition, the debtor shall be responsible for mailing copies of the chapter 13 plan and notice of hearing on confirmation to all creditors and parties in interest. Such notice must comply with Federal Rules of Bankruptcy Procedure 2002

(b)(2) and 3015. In such cases, the notice of the §341(a) meeting issued by the clerk *BNC* shall not advise creditors of the confirmation hearing date, and such cases will not be subject to the accelerated confirmation procedures of LBR 2002.5.

**LBR 2002.5(a) Notice to creditors.** The clerk *Bankruptcy Noticing Center (BNC)* shall send to the debtor, debtor's attorney, the trustee, and all creditors and parties in interest, a notice which advises them of the provisions of this rule. This notice shall be sent at the same time as, and may be incorporated within, the notice of the Section 341(a) meeting of creditors.

Dated July 15, 1996

/s/ Jim D Pappas  
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Jim D Pappas, Chief Judge  
United States Bankruptcy Court